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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,451	11/21/2001	Satoshi Nakajima	41020.P005	9947
25943	7590	12/09/2005		
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			EXAMINER NATNAEL, PAULOS M	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,451	Applicant(s) NAKAJIMA, SATOSHI	
	Examiner Paulos M. Natnael	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on response received 10/14/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-3,9-12,14,15,18,20,23,26-29,35,38-40,43-46,50,53,56-59,62,66,68-70,72,74,76-78,82-86,88-90,93,96 and 99.

Continuation of Disposition of Claims: Claims rejected are 1-3,9-12,14,15,18,20,23,26-29,35,38,43,44,53,56-59,62,70,72,74,76-78,84-86 and 88-90.

DETAILED ACTION

1. Notice of Appeal is noted. This is a non-final rejection because the newly found reference is applicable to all the claims as shown below.

Claim Objections

2. Claim **35** is objected to because of the following informalities: Claim 35 depends from claim 34. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims **1-3,9-12,14,15,18,20,23,26-29, 35, 70 and 72** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim **1**, “controlling operation of said controllee electronic apparatus, by said controllee electronic device” assumes the same device (i.e., the controllee apparatus) controlling itself, rendering the claim vague and indefinite.

Art Unit: 2614

In claim **26**, the claimed “controlling operation of said auxiliary controllee electronic device by said auxiliary controllee electronic device” assumes the same device controlling itself, rendering the claim vague and indefinite.

In claim **70**, the claimed phrase “said second and third means” lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **1-3,9-12,14, 38,43,44,53,56-59,62,74,76-78,84-86,88-90** are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al., U.S. 6,603,488.

Considering claim 1, Humpleman et al. (hereinafter “Humpleman”) discloses a browser based command and control home network. The reference teaches “... A first home device capable of displaying user interface data is connected to a home network. A second home device stores user interface data that defines a user interface for commanding and controlling the second home device, also connected to the home network. The first device receives the user interface data from the second device over the network. The first device then displays the user interface as defined by the data.”

Art Unit: 2614

The user interacts with the user interface displayed on the first device by a control device. User input is accepted from the user responsive to the interaction. Control and command information is sent from the first home device to the second home device in order to control the second device according to the user input. Since the user interface can be displayed from any device, a single control device may control a plurality of different devices without requiring any change in the mode of operation of the control device.” (see abstract) Humpleman teaches “a method and apparatus for controlling a plurality of home devices connected thereto by a single control apparatus without requiring any change in the mode of operation of the control apparatus (as by changing codes generated by pushbuttons or keys thereof) to change the device being controlled thereby.” (col. 2, 43-49) Thus, Humpleman teaches “a remote control for controlling said plural devices; the remote control including display means for displaying a device selection page to a user on said display means, said device selection page including respective display sections corresponding to each of said plural devices; and said remote control further including communicating means for communicating with a client device and for providing a control command thereto...” (col. 24, lines 56-64)

As to claims **2 and 3**, see rejection of claim 1 above.

As to claim **9**, Humpleman teaches a remote control device having an interface display where a user could manipulate and enter any command to control multiple devices. (See col. 24, lines 56-64)

Regarding claim **10**, the reference of Humpleman discloses that the system would be able to control remotely any number of electronic devices couple to the apparatus or system. (see Abstract of disclosure)

Regarding claim **11**, see rejection of claim 2;

Regarding claim **12**, see rejection of claim 3;

As to claim **14**, the claimed specifications of substantive contents of the 2nd user I/F display, Humpleman teaches that the first device displays the user interface as defined by the data, (see abstract) meeting the claimed subject matter as claimed.

Regarding claim **38**, Humpleman teaches "...a first home device capable of displaying user interface data is connected to a home network. A second home device stores user interface data that defines a user interface for commanding and controlling the second home device, also connected to the home network. The first device receives the user interface data from the second device over the network. The first device then displays the user interface **as defined by the data**. The user interacts with the user interface displayed on the first device by a control device. User input is accepted from the user responsive to the interaction. **Control and command information is sent from the**

Art Unit: 2614

first home device to the second home device in order to control the second device according to the user input. [emphasis added by examiner] Since the user interface can be displayed from any device, a single control device may control a plurality of different devices without requiring any change in the mode of operation of the control device.” (see abstract) Thus, Humpleman discloses all claimed subject matter.

As to claim **43**, see rejection of claim 38. (i.e. Humpleman teaches a remote control, and a RC inherently includes the claimed characteristics).

Regarding claim 44, see rejection of claim 38. (Note: 1st collection of user interface displays and 2nd collection of user interface displays are not patentable distinct except for the numbers 1 and 2 (or 1st and 2nd)).

Considering claim **53**, see rejection of claim 38.

Considering claim **56-59**, Humpleman teaches a 1394 serial bus HTTP/IP 114 connection as illustrated in Fig. 1, as well as other communication protocols such as FCP (Function control protocol). (see disclosure on col. 4, lines 55-63)

Regarding claim **62**, see rejection of claim 10;

Art Unit: 2614

Regarding claim **74** and **76, 77**, Humpleman teaches connected to the exemplary home network 100 is a Digital VCR 110, Digital TV 102.

Regarding claim **78**, see rejection of claim 26; As to the first means (Transmitter), second means (receiver) and third means (controller), Humpleman inherently includes such transceiver because the first device receives user interface data from the second device and sends control and command information to the second device in order to control the second device according to the user input.

As to claim **84 and 85**, see rejection of claims 78 and 26.

Regarding claims **86,88,89**, see rejection of claim 74,76,77;

Considering claim **90**, see rejection of claim 78.

Allowable Subject Matter

7. Claims **39, 40, 45, 46, 50, 66, 68, 69, 82-83, 93, 96** and **99** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

York, U.S. 5,850,340 discloses an integrated remote controlled computer and television system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael
Primary Examiner
Art Unit 2614


PMN
December 5, 2005